Copyright Board of Canada

2018-19

Departmental Plan

The Honourable Navdeep Bains, P.C., M.P.
Minister of Innovation, Science and Economic Development

©Her Majesty the Queen in Right of Canada, represented
by the Minister of Industry, 2018
This document is available in multiple formats upon request.
This document is available on the TBS website at the following address: http://www.tbs-sct.gc.ca.
Available through your local bookseller or by mail from:
Publishing and Depository Services
Public Works and Government Services Canada
Ottawa ON K1A 0S5

Telephone: 613-941-5995
Orders only: 1-800-635-7943 (Canada and U.S.A.)
Fax: 613-954-5779 or 1-800-565-7757 (Canada and U.S.A.)
Internet: http://publications.gc.ca

Catalogue no.: Iu121-4E-PDF
ISSN: 2561-4908

Table of contents

Plans at a glance 3

Planned results: what we want to achieve this year and beyond 4

Core Responsibility 4

Spending and human resources 7

Planned spending 7

Departmental spending trend graph 7

Planned human resources 8

Estimates by vote 8

Future-Oriented Condensed Statement of Operations 9

The planned results for 2018-19 shows a small increase compared to the forecast results for 2017-18. This is the result of negotiated salary adjustments for 2018-19. 9

Supplementary information 10

Corporate information 10

Supporting information on the Program Inventory 12

Federal tax expenditures 12

Organizational contact information 12

Appendix: definitions 13

Endnotes 18

Minister's message

The work of the Innovation, Science and Economic Development Portfolio is as diverse as it is expansive. We are involved in many important areas of our economy, including: making critical investments in innovation and science; supporting the commercialization of research and ideas; providing Canadians with the skills to excel in the digital economy; helping small businesses grow; promoting Canada as a world-leading tourism destination; and integrating science into our investment and policy decisions.

2018–19 will be an exciting year for all of this important work as we seek to make Canada a global innovation leader. We are continuing to implement the next steps of the Innovation and Skills Plan, which will build an economy that works for everyone. Through Budget 2018, we are making the single-largest investment in science in Canadian history to ensure that Canada remains a world leader in research and commercialization. And we are delivering Canada's first Women Entrepreneurship Strategy, to support women entrepreneurs as they start, grow and scale their businesses.

We believe our economy should work for all Canadians. We want to see Canadian businesses, large and small, create high-quality jobs, and we want them to compete in the knowledge economy, driven by creative, boundary-pushing ideas.

In 2018-19, the Copyright Board of Canada will continue rendering decisions related to tariffs of general application and issuing licences where parties cannot agree or licences where the owner of the work cannot be found. The Board will also examine options for increasing the efficiency of its decision-making process.

It is my pleasure to present the 2018-19 Departmental Plan for the Copyright Board of Canada.

The Honourable Navdeep Bain
Minister of Innovation, Science and
Economic Developments

Plans at a glance

The Copyright Board of Canada's on-going priority is to ensure timely and fair processes and decisions for all of the tariffs and licences that are being examined or certified. The requirement to have timely decisions is expressly stated in the Copyright Act (the "Act"): the Board is to consider "as soon as practicable" a proposed tariff and any objections thereto. The Board is also to publish the approved tariffs in the Canada Gazette as soon as is practicable. The requirement to have fair processes and decisions is implicit: the Act gives the Board the powers, rights and privileges of a superior court of record; as such, the Board is required to follow the principles of natural justice which, taken together, ensure both fair processes and fair outcomes.

The rationale underlying this priority is to minimize administrative costs to Canadians from the setting of tariffs and to streamline the process in the face of increasing complexities in hearing subject matter, thus increasing regulatory efficiency. To the extent that this also leads to fairer decision-making, the overall innovation capability of parties affected by the copyright tariff process will be improved.

The Board will achieve this result by ensuring that participation costs in the hearing process are kept as low as possible, thus encouraging participation of the parties and streamlining the process. This implies in particular that the Board will provide appropriate guidance, information and analysis to the participants in order to facilitate the examination process and to foster greater participants' satisfaction. The Board will continue to engage in informal pre-hearing consultations and information gathering, and conduct well-organized proceedings which address key issues facing copyright-related industries. And for each process, the Board will examine how to structure and sequence witnesses and hearing stages so as to eliminate duplication and maximize time spent on relevant issues.

In addition, in collaboration with the Departments of Innovation, Science and Economic Development and Canadian Heritage, the Board is currently examining a number of potential measures that aim at increasing the efficiency of its decision-making processes without limiting its ability to adequately fulfil its mandate. Some of these measures could be implemented in 2018-19.

For more information on the Board's plans, priorities and planned results, see the "Planned results" section of this report.

Planned results: what we want to achieve this year and beyond

Core Responsibility

Core Responsibility Title: Copyright Tariffs and Licences

Description

The Copyright Board of Canada establishes the tariffs which set the royalties to be paid for the use of copyrighted works, when the copyright on such works are being administered collectively by a society. The Board also issues licences which set the royalties to be paid for the use of copyrighted works when the copyright owner cannot be located. By issuing fair and equitable tariffs and licences in a timely manner, the Board encourages the development and adoption of new technologies and stimulates innovation in the Canadian economy. Its work also promotes confidence in Canada's tariff and licencing processes.

Planning highlights

Improving the efficiency of the regulatory process involves continual refinements in scheduling of witnesses, establishing and communicating the parameters of the hearing to participants, consulting with key stakeholders and developing codes of hearing practice and related guidelines for the conduct of hearings. By improving the efficiency of the tariff hearing process, this activity is expected to contribute to the objective of reducing the regulatory burden for all stakeholders.

Delays in providing written decisions to Canadian copyright industry stakeholders can cause uncertainty, thus impacting on the Board's capacity to provide incentives for the creation and use of copyrighted works. Therefore, we will gather data on the number of months between the date when a particular tariff file is closed, and the date of the corresponding decision.

In addition, pursuant to section 77 of the Act, the Board may grant licences that authorize the use of published works, fixed performances, published sound recordings and fixed communication signals if the copyright owner cannot be located. The Board's objective with respect to this activity is to issue licences in a timely manner. Therefore, we will also gather data on the number of days between the date when a particular licence file is closed, and the date of issuance of the licence.

As mentioned above, and in an effort to devote resources to experimentation with new approaches, the Board is currently developing options in respect of its practices and procedures to improve the efficiency of its processes. Once implementation of these options is complete, the Board will need to reexamine its indicators with respect to timeframes for certifying tariffs and issuing licences.

Planned results

Departmental Results[i]	Departmental Result Indicators	Target	Date to achieve target	2014-15 Actual results	2015-16 Actual results	2016-17 Actual results
Timely tariff decisions	Percentage of tariff decisions published within 12 months	70%	March 31, 2019	100%	78%	50%
Timely issuance of licences	Percentage of licences issued within 45 days	70%	March 31, 2019	89%	86%	100%

Note: The actual results of both indicators can vary substantially because of the low number of decisions and licences that the Board issues every year. For instance, in 2016-17, the Board issued two tariff decisions with one after the twelve-month deadline. This implied a result indicator of 50%. Because of this high variability of the results, the targets have to remain at their current level of 70%, even though for some years, the Board is able to achieve a better result. It is only after having consistently achieved a result higher than the target, and over a number of years, that this target can be revised.

Budgetary financial resources (dollars)

2018-19 Main Estimates	2018-19 Planned spending	2019-20 Planned spending	2020-21 Planned spending
2,688,641	2,688,641	2,502,017	2,502,017

Human resources (full-time equivalents)

2018-19 Planned full-time equivalents	2019-20 Planned full-time equivalents	2020-21 Planned full-time equivalents
15	15	15

Financial, human resources and performance information for the Copyright Board's Program Inventory is available in the GC InfoBase.[i]

Internal Services

Description

Internal Services are those groups of related activities and resources that the federal government considers to be services in support of programs and/or required to meet corporate obligations of an organization. Internal Services refers to the activities and resources of the 10 distinct service categories that support Program delivery in the organization, regardless of the Internal Services delivery model in a department. The 10 service categories are: Management and Oversight Services; Communications Services; Legal Services; Human Resources Management Services; Financial Management Services; Information Management Services; Information Technology Services; Real Property Services; Materiel Services; and Acquisition Services.

Planning highlights

The Board receives timely support from internal services, namely: finance; human resources; communications; information management and information technology. This activity contributes to the creation of an environment that will allow the Board to fulfill its mandate and realize its objective.

Budgetary financial resources (dollars)

2018-19 Main Estimates	2018-19 Planned spending	2019-20 Planned spending	2020-21 Planned spending
630,669	630,669	586,893	586,893

Human resources (full-time equivalents)

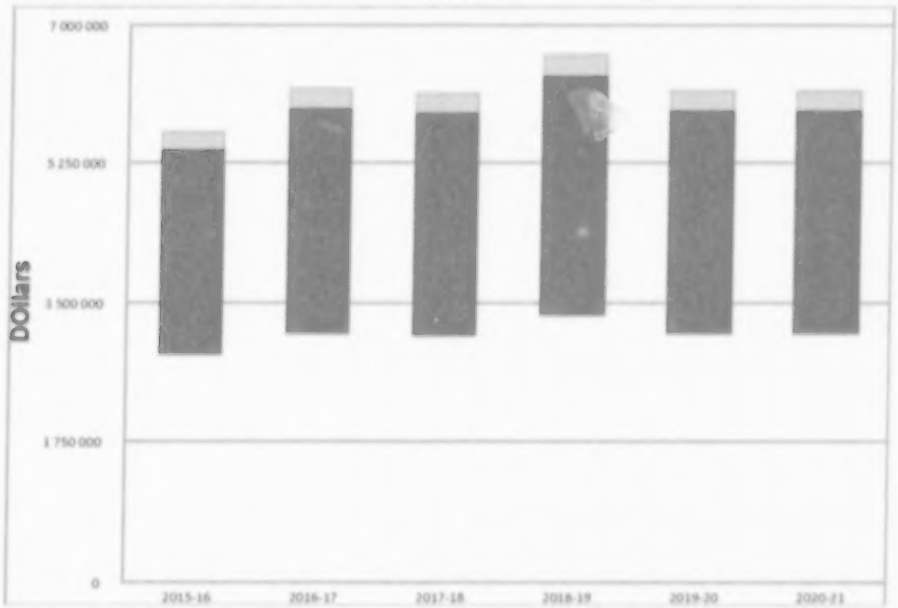
2018-19 Planned full-time equivalents	2019-20 Planned full-time equivalents	2020-21 Planned full-time equivalents
3	3	3

Note: Main Estimates, Planned spending and Full-time equivalents figures do not include Budget 2018 announcements. More information will be provided in the 2018-19 Supplementary Estimates and Departmental Results Report, as applicable.

Spending and human resources

Planned spending

Departmental spending trend graph



Planned spending increases to $3.3 million in 2018-2019 only as a result of negotiated salary adjustments. Planned spending for both 2019-20 and 2020-21 are about $3.1 million.

Budgetary planning summary for Core Responsibilities and Internal Services (dollars)

Core Responsibilities and Internal Services	2015-16 Expenditures	2016-17 Expenditures	2017-18 Forecast spending	2018-19 Main Estimates	2018-19 Planned spending	2019-20 Planned spending	2020-21 Planned spending
Copyright Tariff Setting and Issuance of Licences	2,291,250	2,507,540	2,490,530	2,688,641	2,688,641	2,502,017	2,502,017
Subtotal	**2,291,250**	**2,507,540**	**2,490,530**	**2,688,641**	**2,688,641**	**2,502,017**	**2,502,017**
Internal Services	537,454	588,188	584,199	630,669	630,669	586,893	586,893
Total	**2,828,704**	**3,095,728**	**3,074,729**	**3,319,310**	**3,319,310**	**3,088,910**	**3,088,910**

Planned human resources

Human resources planning summary for Core Responsibilities and Internal Services (full-time equivalents)

Core Responsibilities and Internal Services	2015-16 Actual	2016-17 Actual	2017-18 Forecast	2018-19 Planned	2019-20 Planned	2020-21 Planned
Copyright Tariff Setting and Issuance of Licences	16	15	15	15	15	15
Subtotal	**16**	**15**	**15**	**15**	**15**	**15**
Internal Services	2	3	3	3	3	3
Total	**18**	**18**	**18**	**18**	**18**	**18**

Estimates by vote

For information on the Copyright Board's organizational appropriations, consult the 2018-19 Main Estimates.[2]

Future-Oriented Condensed Statement of Operations

The FutureOriented Condensed Statement of Operations provides a general overview of the Copyright Board's operations. The forecast of financial information on expenses and revenues is prepared on an accrual accounting basis to strengthen accountability and to improve transparency and financial management.

Because the FutureOriented Condensed Statement of Operations is prepared on an accrual accounting basis, and the forecast and planned spending amounts presented in other sections of the Departmental Plan are prepared on an expenditure basis, amounts may differ.

A more detailed FutureOriented Statement of Operations and associated notes, including a reconciliation of the net cost of operations to the requested authorities, are available on the Copyright Board of Canada's website.

FutureOriented Condensed Statement of Operations for the year ended March 31, 2019 (dollars)

Financial information	2017-18 Forecast results	2018-19 Planned results	Difference (2018-19 Planned results minus 2017-18 Forecast results)
Total expenses	3,651,699	3,779,215	127,516
Total revenues	-	-	-
Net cost of operations before government funding and transfers	3,651,699	3,779,215	127,516

The planned results for 2018-19 shows a small increase compared to the forecast results for 2017-18. This is the result of negotiated salary adjustments for 2018-19.

Supplementary information

Corporate information

Organizational profile

Appropriate ministers: The Honourable Navdeep Bains, P.C., M.P
Minister of Innovation, Science and Economic Development

The Honourable Kirsty Duncan, P.C., M.P.
Minister of Science

The Honourable Bardish Chagger, P.C., M.P.
Minister of Small Business and Tourism and Leader of the Government in the House of Commons

Institutional head: Claude Majeau, Vice-Chairman and CEO

Ministerial portfolio: Innovation, Science and Economic Development

Enabling instrument: Copyright Act[3]

Year of incorporation / commencement: 1989

Raison d'être, mandate and role: who we are and what we do

"Raison d'être, mandate and role: who we are and what we do" is available on the Copyright Board of Canada's website.

Operating context and key risks

Information on operating context and key risks is available on the Copyright Board of Canada's website.

Reporting framework

The Copyright Board of Canada's Departmental Results Framework and Program Inventory of record for 2018–19 are shown below:

<table>
<tr><td rowspan="3">Departmental Results Framework</td><td colspan="2">Core Responsibility: Copyright Tariffs and Licences</td><td rowspan="4">Internal Services</td></tr>
<tr><td>Department Result 1:
Timely Tariff Decisions</td><td>Indicator:
Percentage of tariff decisions published within 12 months</td></tr>
<tr><td>Department Result 2:
Timely Issuance of Licences</td><td>Indicator:
Percentage of licences issued within 45 days</td></tr>
<tr><td>Program Inventory</td><td colspan="2">Program:

Copyright Tariff Setting and Issuance of Licences</td></tr>
</table>

Concordance between the Departmental Results Framework and the Program Inventory, 2018–19, and the Program Alignment Architecture, 2017–18

2018–19 Core Responsibilities and Program Inventory	2017–18 Lowest-level program of the Program Alignment Architecture	Percentage of lowest-level Program Alignment Architecture program (dollars) corresponding to the program in the Program Inventory
Core Responsibility 1: Copyright Tariffs and Licences		
Copyright Tariffs and Licences	1.1 Copyright Tariff Setting and Issuance of Licences	100%

Supporting information on the Program Inventory

Supporting information on planned expenditures, human resources, and results related to the Copyright Board's Program Inventory is available in the GC InfoBase.[4]

Federal tax expenditures

The tax system can be used to achieve public policy objectives through the application of special measures such as low tax rates, exemptions, deductions, deferrals and credits. The Department of Finance Canada publishes cost estimates and projections for these measures each year in the Report on Federal Tax Expenditures.[5] This report also provides detailed background information on tax expenditures, including descriptions, objectives, historical information and references to related federal spending programs. The tax measures presented in this report are the responsibility of the Minister of Finance.

Organizational contact information

Copyright Board of Canada
Suite 800 - 56 Sparks Street
Ottawa, Ontario K1A 0C9
Telephone: 613.952.8621
E-mail: secretariat@cb-cda.gc.ca

Appendix: definitions

appropriation (crédit)

Any authority of Parliament to pay money out of the Consolidated Revenue Fund.

budgetary expenditures (dépenses budgétaires)

Operating and capital expenditures; transfer payments to other levels of government, organizations or individuals; and payments to Crown corporations.

Core Responsibility (responsabilité essentielle)

An enduring function or role performed by a department. The intentions of the department with respect to a Core Responsibility are reflected in one or more related Departmental Results that the department seeks to contribute to or influence.

Departmental Plan (plan ministériel)

A report on the plans and expected performance of appropriated departments over a threeyear period. Departmental Plans are tabled in Parliament each spring.

Departmental Result (résultat ministériel)

Any change or changes that the department seeks to influence. A Departmental Result is often outside departments' immediate control, but it should be influenced by Program-level outcomes.

Departmental Result Indicator (indicateur de résultat ministériel)

A factor or variable that provides a valid and reliable means to measure or describe progress on a Departmental Result.

Departmental Results Framework (cadre ministériel des résultats)

The department's Core Responsibilities, Departmental Results and Departmental Result Indicators.

Departmental Results Report (rapport sur les résultats ministériels)

A report on the actual accomplishments against the plans, priorities and expected results set out in the corresponding Departmental Plan.

experimentation (expérimentation)

Activities that seek to explore, test and compare the effects and impacts of policies, interventions and approaches, to inform evidence-based decision-making, by learning what works and what does not.

fulltime equivalent (équivalent temps plein)

A measure of the extent to which an employee represents a full personyear charge against a departmental budget. Fulltime equivalents are calculated as a ratio of assigned hours of work to scheduled hours of work. Scheduled hours of work are set out in collective agreements.

Gender-based Analysis Plus (GBA+)

An analytical process used to help identify the potential impacts of policies, programs and services on diverse groups of women, men and gender-diverse people. The "plus" acknowledges that GBA goes beyond sex and gender differences to consider multiple identity factors that intersect to make people who they are (such as race, ethnicity, religion, age, and mental or physical disability).

government-wide priorities (priorités pangouvernementales)

For the purpose of the 2018–19 Departmental Plan, government-wide priorities refers to those high-level themes outlining the government's agenda in the 2015 Speech from the Throne, namely: Growth for the Middle Class; Open and Transparent Government; A Clean Environment and a Strong Economy; Diversity is Canada's Strength; and Security and Opportunity.

horizontal initiative (initiative horizontale)

An initiative in which two or more federal organizations, through an approved funding agreement, work toward achieving clearly defined shared outcomes, and which has been designated (by Cabinet, a central agency, etc.) as a horizontal initiative for managing and reporting purposes.

nonbudgetary expenditures (dépenses non budgétaires)

Net outlays and receipts related to loans, investments and advances, which change the composition of the financial assets of the Government of Canada.

performance (rendement)

What an organization did with its resources to achieve its results, how well those results compare to what the organization intended to achieve, and how well lessons learned have been identified.

performance indicator (indicateur de rendement)

A qualitative or quantitative means of measuring an output or outcome, with the intention of gauging the performance of an organization, program, policy or initiative respecting expected results.

performance reporting (production de rapports sur le rendement)

The process of communicating evidencebased performance information. Performance reporting supports decision making, accountability and transparency.

planned spending (dépenses prévues)

For Departmental Plans and Departmental Results Reports, planned spending refers to those amounts presented in the Main Estimates.

A department is expected to be aware of the authorities that it has sought and received. The determination of planned spending is a departmental responsibility, and departments must be able to defend the expenditure and accrual numbers presented in their Departmental Plans and Departmental Results Reports.

plan (plan)

The articulation of strategic choices, which provides information on how an organization intends to achieve its priorities and associated results. Generally a plan will explain the logic behind the strategies chosen and tend to focus on actions that lead up to the expected result.

priority (priorité)

A plan or project that an organization has chosen to focus and report on during the planning period. Priorities represent the things that are most important or what must be done first to support the achievement of the desired Departmental Results.

program (programme)

A group of related resource inputs and activities that are managed to meet specific needs and to achieve intended results and that are treated as a budgetary unit.

Program Alignment Architecture (architecture d'alignement des programmes)[6]

A structured inventory of an organization's programs depicting the hierarchical relationship between programs and the Strategic Outcome(s) to which they contribute.

results (résultat)

An external consequence attributed, in part, to an organization, policy, program or initiative. Results are not within the control of a single organization, policy, program or initiative; instead they are within the area of the organization's influence.

statutory expenditures (dépenses législatives)

Expenditures that Parliament has approved through legislation other than appropriation acts. The legislation sets out the purpose of the expenditures and the terms and conditions under which they may be made.

Strategic Outcome (résultat stratégique)

A longterm and enduring benefit to Canadians that is linked to the organization's mandate, vision and core functions.

sunset program (programme temporisé)

A timelimited program that does not have an ongoing funding and policy authority. When the program is set to expire, a decision must be made whether to continue the program. In the case of a renewal, the decision specifies the scope, funding level and duration.

target (cible)

A measurable performance or success level that an organization, program or initiative plans to achieve within a specified time period. Targets can be either quantitative or qualitative.

voted expenditures (dépenses votées)

Expenditures that Parliament approves annually through an Appropriation Act. The Vote wording becomes the governing conditions under which these expenditures may be made.

Endnotes

[1] **GC InfoBase**, https://www.tbs-sct.gc.ca/ems-sgd/edb-bdd/index-eng.html#start

[2] **2017–18 Main Estimates**, https://www.canada.ca/en/treasury-board-secretariat/services/planned-government-spending/government-expenditure-plan-main-estimates.html

[3] **Copyright Act**: http://laws-lois.justice.gc.ca/eng/acts/C-42/index.html

[4] **GC InfoBase**, https://www.tbs-sct.gc.ca/ems-sgd/edb-bdd/index-eng.html#start

[5] **Report on Federal Tax Expenditures**, http://www.fin.gc.ca/purl/taxexp-eng.asp

[6] Under the Policy on Results, the Program Alignment Architecture has been replaced by the Program Inventory.